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Response to First Office Action
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REMARKS

After entry of the present Response, Claims 1-20 are pending, with Claims 1, 3-4, 6-10, 18-20 withdrawn, and 11-17 are under examination. By the present Response, Claims 2, 5 are canceled and Claims 1, 3-4, 6-7, 11 and 14-16 are amended.

Rejection of Claims 11-17 under 35 U.S.C. § 102(b)

Claims 11-17 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,270,358 to Asmus. The Examiner found that Asmus discloses "a transdermal composition comprising a matrix" and that the "disclosed matrix is the instant matrix as claimed." Applicants traverse the rejection.

Asmus discloses a two phase composite composition of particles of gel of a swollen hydrocolloid dispersed in a pressure sensitive adhesive matrix. "[T]he composite adheres to the surface of the skin of the patient and maintains that surface in as dry an environment as can occur where the skin or skin opening exudes perspiration, or other body fluids." (Emphasis added, see Col. 4, lines 48-51). Asmus repeatedly teaches that the composite has a "high moisture vapor transmission rate" and that the "high moisture vapor transmission rate property provided by the gel facilitates removal of the moisture or other fluid from the area where the composite is adhered." (Col. 3, lines 45-48; see also as examples of this teaching, Abstract; Col. 2, lines 36-37; and Col. 4, line 19). In Asmus, there is no teaching of providing moisture to the application site, and in fact, there is clear teaching against providing moisture to the site by the multiple and repeated requirements for removal of moisture to maintain adhesion to the site. Asmus does not teach each and every element of the currently amended claims, and thus does not suffice as an anticipatory reference. Applicants respectfully request that the Examiner withdraw the rejection.

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CONCLUSION

The foregoing is a complete response to the First Office Action dated August 24, 2006. Applicants respectfully submit that at least Claims 11-17 are patentable. Applicants request rejoinder of the withdrawn claims with the allowed subject matter when an agreement is reached. Early and favorable consideration is solicited.

The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account No. 20-1507.

If the Examiner believes there are other issues that can be resolved by a telephone interview, or that there are any informalities that remain in the application which may be corrected by the Examiner's amendment, a telephone call to the undersigned agent at (404) 885-3652 is respectfully solicited.

Respectfully submitted,



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